

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMJAE A. D'ALLO,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,

Defendant.

CASE NO. C23-5640 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's report and Recommendation (R&R), Dkt. 8, recommending the Court deny pro se plaintiff Timjae D'Allo's application to proceed *in forma pauperis* and dismiss this case without prejudice, for failure to state a plausible claim.

The Court ordered D'Allo to amend his complaint, and he did so. Dkts. 5, 6. The R&R correctly concludes that D'Allo's amended complaint fails to state a plausible claim.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made.*" 28

1 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute
2 makes it clear that the district judge must review the magistrate judge’s findings and
3 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
4 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
5 “specific written objections to the proposed findings and recommendations” in the R&R.
6 Fed. R. Civ. P. 72(b)(2).

7 D’Allo has not objected to the R&R’s recommended dismissal of his claim.

8 The R&R is **ADOPTED**. D’Allo’s application to proceed *in forma pauperis* is
9 **DENIED** and this case is **DISMISSED** without prejudice and without leave to amend.

10 The Clerk shall enter a **JUDGMENT** and close the case.

11 **IT IS SO ORDERED.**

12 Dated this 15th day of February, 2023.

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15 BENJAMIN H. SETTLE
16 United States District Judge
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